No. 6098. Equity.

his own, and recognized him as its owner, that he directed him where to place his fence and with his full knowledge and consent said petitioner did move and place his family on so to include it as his separate property, and he has cultivated improved and used it from that date up until the present as his own exclusive property.

6th. That the said William Lewis died on the 30th day of September in the year 1878 without delivering to your petitioner a deed for said real Estate as should have been done.

7th. And these petitioners further represent that at the time said Lewis McWright was authorized to have said bill filed, he was aware of the fact that the petitioner Leander J. Pomeroy had purchased said above mentioned parcel of land, and it was stated to said attorney that he claimed said land, but that they concluded it would be best to include it in the bill and sell it over again to said Pomeroy, so that he might secure a deed from said trustee, but which was done however without the knowledge and consent of either of said petitioners, and also without any intent of bad faith upon the part of said wright or said attorney,

8th. That these petitioners did not know that said land was included in said proceedings, and it has come to their knowledge only within the past few days, when they saw and advertisement of said land by said trustee giving notice of the intended sale thereof,

9th. And these petitioners further represent that it would be an injustice to allow said parcel of land sold as aforesaid to the said Leander J. Pomeroy to be resold, and they now come and pray for the following relief,

1st That the decree passed in said cause be modified so as not to include the above mentioned parcel purchased as aforesaid,

2nd That an order be passed directing said trustee not to sell said parcel of land until the ownership be determined by your Honorable Court,

3rd And for such other relief as the nature of their cause may require.

And as in duty bound &c

J. C. Motter
Sol for Petitioners

Sworn to before me John E. Jordan, Clerk on this 29th day of May 1893 by the above named Leander J. Pomeroy

Test: John E. Jordan, Clerk

The above petition having been read and considered, it is thereupon on this 29th day of May 1893. ordered and directed by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof that the trustee refrain from selling the lot described in the above petition as having been purchased by said petitioner Leander J. Pomeroy until the further order of this Court,

John A. Lynch
Judge of the Cir. Court

Filed May 29- 1893.

Report of Sale.

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